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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2011 APR 20 AM 11:10

JEANNE HICKS, CLERK

BY: Stephanie Kling

5 IN THE SUPERIOR COURT

6 STATE OF ARIZONA, COUNTY OF YAVAPAI

7 STATE OF ARIZONA,

V1300CR201080049

8 Plaintiff,

9 vs.

**ADDENDUM TO STATE'S RESPONSE TO
DEFENDANT'S MOTION FOR MISTRIAL
BASED ON INTENTIONAL AND WILLFUL
SUPPRESSION OF EXCULPATORY
EVIDENCE**

10 JAMES ARTHUR RAY,

11 Defendant.

(The Honorable Warren Darrow)

12 The State of Arizona, through undersigned counsel, amends its response to Defendant's
13 Motion for Mistrial to appraise the court of additional information from Mr. Haddow's interview
14 which differs from that in the response.

15 On page two of the State's response, the response incorrectly stated Mr. Haddow was
16 contacted by Det. Diskin after the Indictment. At oral argument on the mistrial motion, the State
17 clarified that Det. Diskin had read the Grand Jury transcript following the preparation of the
18 response and recalled that he had contact with Mr. Haddow prior to the Indictment. At Mr.
19 Haddow's interview on April 15, 2011, Mr. Haddow recalled a number of contacts with Det.
20 Diskin following the sweat lodge incident and prior to the Indictment.

21 On page four of the State's response, the response indicated a brief meeting occurred with
22 Mr. Haddow. At Mr. Haddow's interview on April 15, 2011, Mr. Haddow initially said he
23 believed the interview was approximately 10 to 15 minutes. Later, Mr. Haddow reviewed a note
24
25
26

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1 he made regarding the interview and he now believed the interview may have been 68 minutes
2 long.

3 On page four of the response, the response indicated the information the State had
4 received from Mr. Haddow. In addition to the e-mail discussed in the response, the State also
5 received an e-mail transmitting Mr. Haddow's CV and proposed fee agreement. The CV was
6 disclosed to the defense on October 27, 2010. Mr. Haddow was never retained by the State,
7 received no payments from the State¹ and no fee agreement was agreed upon or signed.

8 RESPECTFULLY submitted this 20th day of April, 2011.

9 SHEILA SULLIVAN POLK
10 YAVAPAI COUNTY ATTORNEY

11 By 

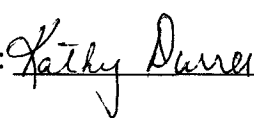
12 BILL R. HUGHES
13 DEPUTY COUNTY ATTORNEY

14 COPIES of the foregoing emailed this
15 20th day of April, 2011:

16 Hon. Warren Darrow
17 Dtroxell@courts.az.gov

18 Thomas Kelly
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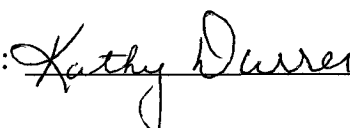
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21 Tru.Do@mto.com

22 By: 

COPIES of the foregoing delivered this
20th day of April, 2011, to

Thomas Kelly

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355 S. Grand Avenue, 35th Floor
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By: 

26 ¹ At Mr. Haddow's April 15, 2011 interview, the State has agreed to pay half of the costs incurred by Mr. Haddow in responding to this Court's order.